



MEMORANDUM

TO: John Iurino
Zoning Examiner

DATE: February 19, 2020
For March 5, 2020 Hearing

FROM: Scott Clark
Planning & Development Services
Director

SUBJECT: REZONING
PLANNING & DEVELOPMENT SERVICES REPORT
C9-19-17 Pantano/Voyager Road
RX-1 to MH-2 (Ward 4)

Issue – This is a request by Lexy Wellott, of The Planning Center, on behalf of the property owners, Voyager Kolb Land LLC, to rezone approximately 64.02 acres from RX-1 to MH-2 zoning for a residential subdivision at a density of 4.80 units per acre. The rezoning site is located on the southwest corner of the Pantano Road alignment and the Voyager Road alignment, approximately 2,000 feet east of Kolb Road and 2,000 feet south of Interstate 10. (see Case Location Map). The preliminary development plan proposes a 307-unit single-family residential subdivision or manufactured home park, with a maximum height of homes at 25 feet, as allowed in the MH-2 zone.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of MH-2 zoning, subject to the preliminary conditions.

Background Information

Existing Land Use: Vacant, undeveloped land

Zoning Descriptions:

Existing Zoning:

Residence Zone (RX-1): Provides for suburban, low density, single family residential development, agriculture and other compatible uses.

Proposed Zoning:

Mobile Home Zone (MH-2): Provides for medium density, residential development primarily in mobile home buildings on individual lots and within residential mobile home parks. Civic, educational, recreation, religious, and other select uses, such as day care and urban agriculture are also permitted providing there is compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned County TH and CMH-2; RV park and manufactured homes

South: Zoned R-1; Single-family residential subdivision

East: Zoned RX-1; Vacant, undeveloped land

West: Zoned R-1; Single-family residential subdivision

Previous Cases on the Property:

C9-03-13 Isaacson – Voyager Road, RX-1 to SR and R-2 This was a prior request to rezone the subject property to allow 265 residential units for a density of 4.1 residences per acre (proposed R-2) and a private golf course (proposed SR). The Mayor and Council authorized the rezoning with conditions on November 17, 2003. The conditions were not met and the case expired on November 17, 2008.

Related Cases:

C9-03-01 WPI – Kolb and I-10, RX-1 to R-1 This was a request to rezone 224 acres located south and west of the subject rezoning request, to allow the development of 900 one- and two-story single-family residences at a density of four units per acre. On June 2, 2003, Mayor and Council authorized the requested rezoning.

Applicant's Request – Rezoning of the site to MH-2 to allow for the development of 307 lots with single-family homes or manufactured homes, for an overall density of 4.80 residences per acre (RAC), and at a maximum height of 25 feet.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson (PT)*. The project site is located in an area identified on the *PT* Future Growth Scenario Map as Southlands. Southlands is a long-term growth area, formed predominantly by large tracts of undeveloped land located at the southeastern and southern perimeters of the city. A large portion of this area is administered by the State Land Department. Prior to releasing these lands for development, the State will initiate planning efforts to promote orderly phased development that reflects sustainable and innovative community design. *Plan Tucson* policies protect established neighborhoods by supporting compatible development, where the scale and intensity of use is compatible with adjacent uses. The proposal is in general compliance with *Plan Tucson*, and does not require a plan amendment.

There are no billboards located on the rezoning site.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 2,938 vehicle trips per day.

Design Considerations

Land Use Compatibility – The site is rectangular in shape and consists of 64.02 acres, with dimensions of 3,360 feet the east-west direction by 830 feet in the north-south direction. The site borders on the east side with undeveloped land, zoned RX-1, on the south and west with a single-family residential subdivision, zoned R-1, and to the north with manufactured homes and an RV park in Pima County zones CMH-2 and TH. Interstate 10 is located approximately ½ mile to the northeast of the rezoning site. The proposed rezoning to allow a residential subdivision at a density of 4.8 units per acre is not in conflict with these surrounding uses.

Drainage/Grading/Vegetation – The site is relatively flat, and is bisected near its center by the North Fork of Airport Wash, a regulatory Environmental Resource Zone (ERZ) wash containing designated riparian habitat. The wash flows from the southeast towards the northwest across the site. An Environmental Resource Report was submitted with the rezoning application as part of the required materials. The wash area is shown on the PDP as designated functional open space totaling 11.5 acres. The North Fork Wash of Airport Wash is listed on the Regional Trail System Master Plan and Pima County Natural Resources, Parks and Recreation Department recommends an 8-foot wide multi-use path be constructed along one side of the wash. This path should be of a natural surface such as compacted decomposed granite, and the construction, design and maintenance of the path should be coordinated with Pima County Parks and Recreation and the City of Tucson.

Road Improvements/Vehicular Access/Circulation – Primary vehicular access to the site will be by way of Voyager Road, with two access points along the north site perimeter, and Pantano Road with a single access point along the east perimeter. Voyager Road intersects with Kolb Road approximately 2,000 feet west of the rezoning site, and almost one mile south of the Interstate 10–Kolb Road interchange. According to the *Major Streets and Routes Plan*, Voyager Road is a designated arterial street with a right-of-way of 90 feet, Pantano Road is shown as a future arterial with a right-of-way of 120 feet, and Kolb Road is a future arterial with a right-of-way of 300 feet. The PDP shows dedication of right-of-way as may be required along both Voyager Road and Pantano Road. Any required improvements in the right-of-way should be coordinated with Tucson Department of Transportation.

Conclusion – The proposed zoning and project are in conformance with the policies of the *Plan Tucson*. Subject to compliance with the attached preliminary conditions, approval of the requested MH-2 zoning is appropriate.

PROCEDURAL

1. A development package/plat in general compliance with the preliminary development package dated January 8, 2020 and required reports, covering the rezoning site is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. The rezoning site shall be surveyed for the endangered Pima Pineapple Cactus prior to any ground disturbing activities. Survey results shall be reported to the US Fish and Wildlife Service.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

7. All offsite improvements required with the development, such as street improvements, bike lanes, curb, sidewalk, and ADA ramps shall be coordinated with the City of Tucson's Department of Transportation.
8. An 8-foot wide path shall be constructed along one side of the open space area parallel to the North Fork of Airport Wash, which is listed on the Regional Trail System Master Plan. The path shall be constructed of a compacted natural surface, such as decomposed granite (DG), and its design, construction, and maintenance shall be coordinated with Pima County Parks & Recreation and the City of Tucson.

TUCSON AIRPORT AUTHORITY

9. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant shall file FAA

Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

10. Prior to the City's approval of any construction permit, and before any proposed subdivision of the property, the property owner shall record the TAA-approved Avigation Easement which discloses the existence, and operational characteristics of the Tucson International Airport to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property. The Avigation Easement shall be recorded in a manner with the Pima County recorder which shall document it as having title liability. The content of such documents shall be according to the form and instructions provided. The developer shall provide the Airport Disclosure Statement form, at time of sale to new property owners with all new residential unit purchases.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case C9-19-17 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case C9-19-17.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-19-17.

Dated this _____ day of _____, 20__.

Owner: _____

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: _____

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____

(Signature of Owner or Authorized Representative, if applicable)

By: _____

(Signature of Owner or Authorized Representative, if applicable)

Its: _____

(Title of Individual Signing in Representative Capacity)

Its: _____

(Title of Individual Signing in Representative Capacity)

State of Arizona)
County of _____)

On this _____ day of _____, 20__, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

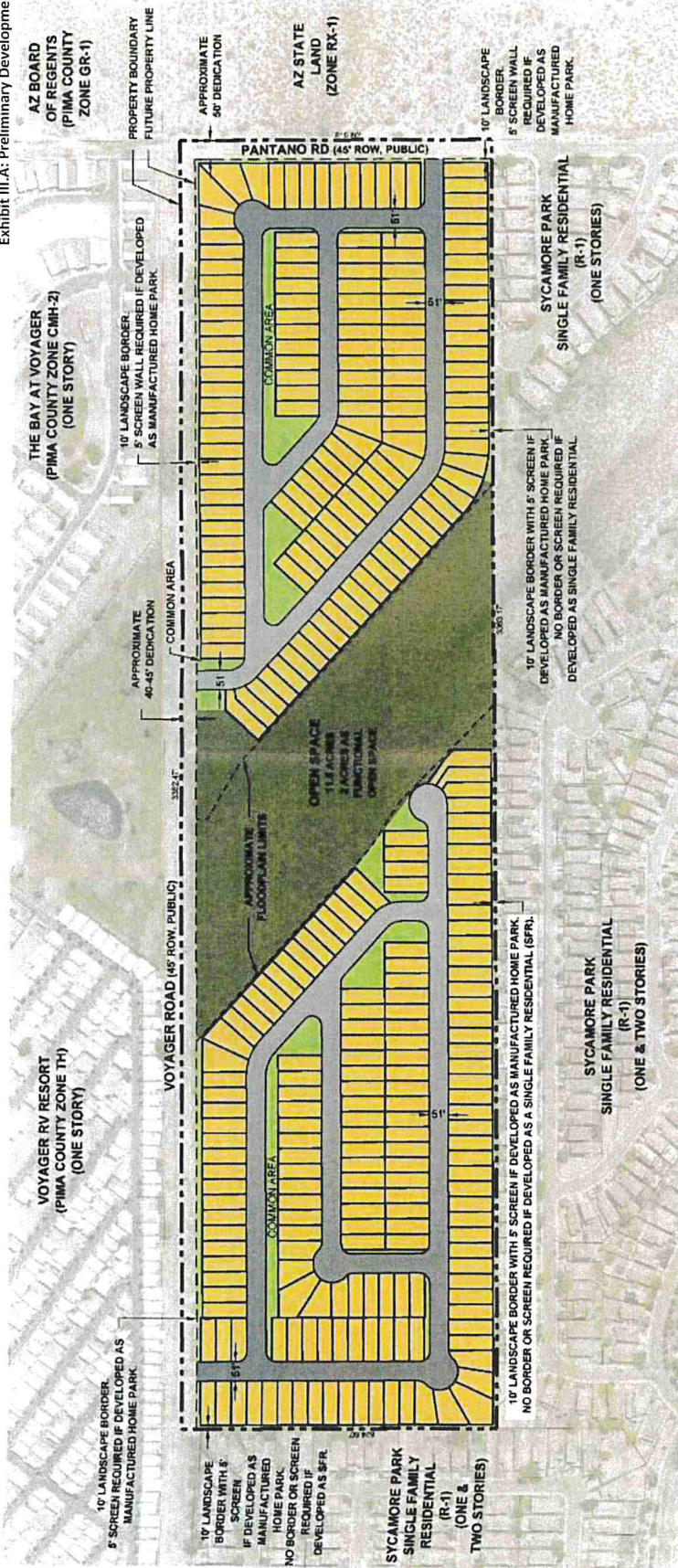
Notary Public

My Commission expires:

City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.



- NOTES**
1. MAXIMUM BUILDING HEIGHT 25'
 2. FUNCTIONAL OPEN SPACE
 - 2.1. (FOS) REQUIRED = 269 SF/LOT X 307 LOTS = 82,583 SF OR 1.9 AC.
 - 2.2. FOS PROVIDED = APPROXIMATELY 2 AC (LOCATION OF FOS WILL BE DETERMINED DURING THE DEVELOPMENT PLAN/PLATTING PROCESS)

- LEGEND**
- PROPERTY BOUNDARY
 - PROPOSED LOT SIZE = 40' X 115' (TYP)
 - COMMON AREA: 4.15 AC
 - OPEN SPACE: 11.5 AC (APPROXIMATELY 2 AC AS FOS)

PROPERTY SUMMARY

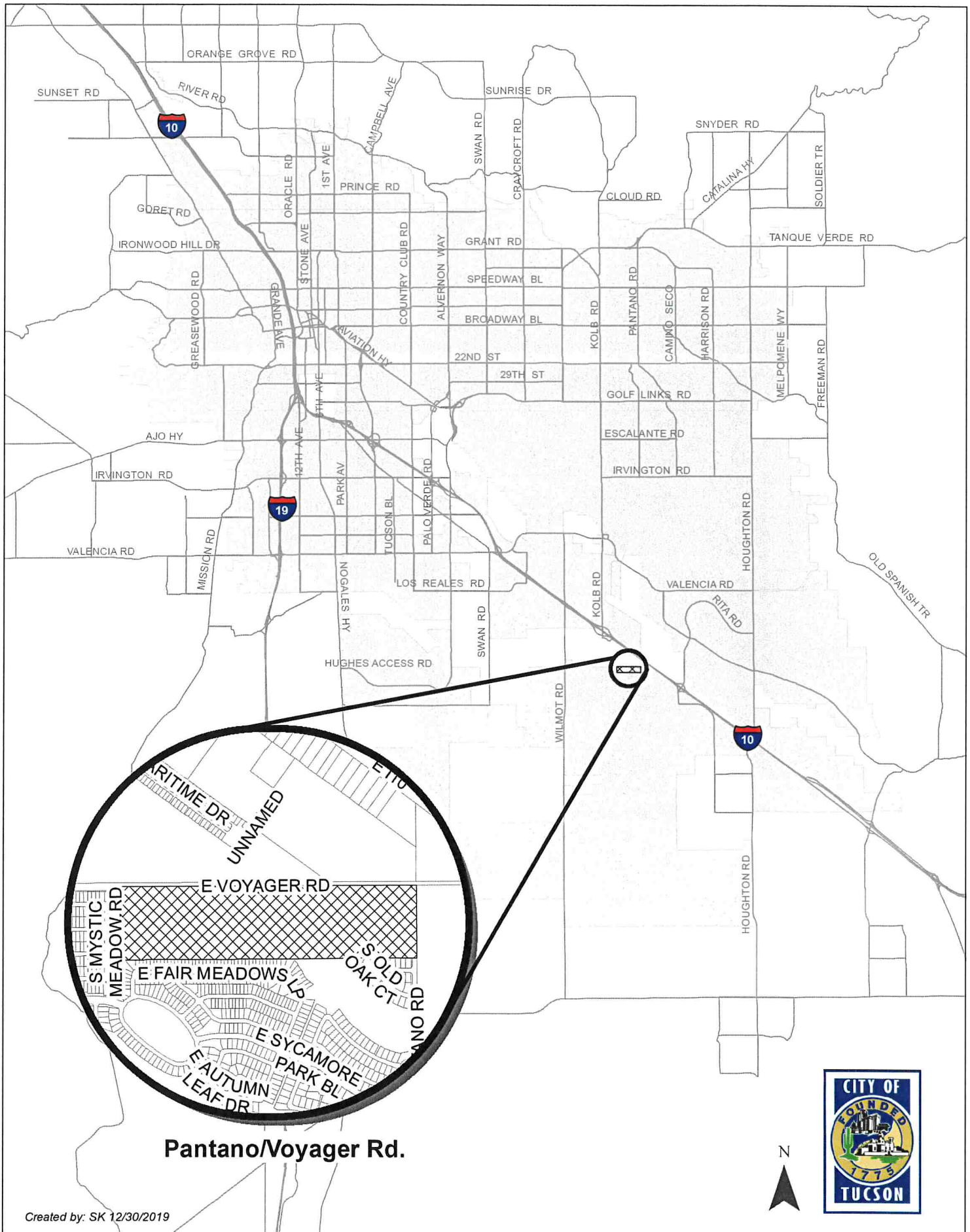
PARCEL: 141-25-005B
 PARCEL SIZE: 64.02 AC
 JURISDICTION: CITY OF TUCSON
 EXISTING ZONING: RX-1
 PROPOSED ZONING: MH-2
 PROPOSED USE: FLD SINGLE FAMILY RESIDENTIAL OR MANUFACTURED HOME PARK
 TOTAL NUMBER OF UNITS = 307
 PROPOSED RAC = 4.80

Rezoning
Preliminary Development Plan
 C9-19-17 Date: 1/8/20
 Planning & Development Services

THIS EXHIBIT WAS CREATED FOR PLANNING PURPOSES ONLY AND IS SUBJECT TO MODIFICATIONS BASED ON DETAILED TOPOGRAPHY AND HYDROLOGICAL STUDIES



C9-19-17 Pantano/Voyager Rd.
Rezoning Request: From RX-1 to MH-2



C9-19-17 Pantano/Voyager Rd.
Rezoning Request: From RX-1 to MH-2



 Area of Rezoning: RX-1 to MH-2

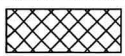
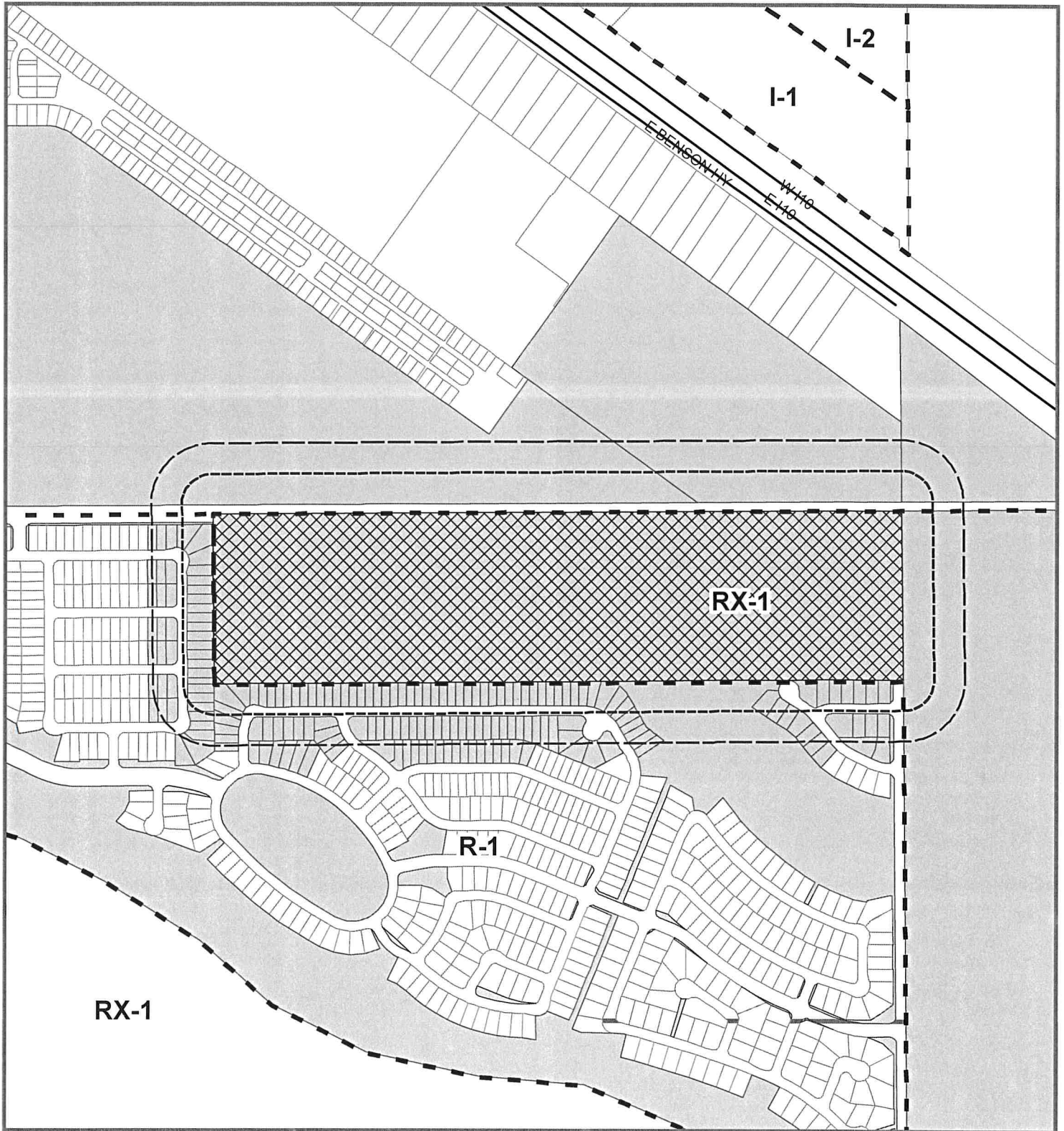
Address: Pantano/Voyager Rd.
Base Maps: Twp. 15S R. 15E Sec. 32
Ward: 4



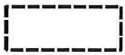
0 330 660 Feet
1 inch = 666.666667 feet



C9-19-17 Pantano/Voyager Rd.
Rezoning Request: From RX-1 to MH-2



Area of Rezoning: RX-1 to MH-2



Protest Area (150 Ft. Radius)



Notification Area (300 Ft. Radius)



Zone Boundaries



Properties Notified

Address: Pantano/Voyager Rd.
Base Maps: Twp. 15S R. 15E Sec. 32
Ward: 4

0 340 680 Feet

1 inch = 667 feet





Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Print your comments below, sign your name, and mail to the City of Tucson Planning and Development Services Department, Entitlements Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, Arizona 85726-7210. The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing. This form is not the City of Tucson Public Hearing Notice.

Protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', require an affirmative vote of $\frac{3}{4}$ of the Mayor and Council (5 of 7 council members) to approve the rezoning or special Exception ordinance. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations. Calculations will be provided to the Mayor and Council.

Case: C9-19-17 Pantano/Voyager Road, RX-1 to MH-2 (Ward 4)

Property Owner(s) (PLEASE PRINT)

- ☐ APPROVE the proposed rezoning/special exception
☐ PROTEST the proposed rezoning/special exception

Reason:

OWNER(S) SIGNATURES	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT YOUR MAILING ADDRESS

Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Entitlements Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-19-17 PMc

Expose this flap - Affix stamp and return



City of Tucson
Planning and Development Services
Department - Entitlements Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-19-17 PMc

IMPORTANT LAND USE CHANGE NOTICE ENCLOSED